

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

CRIMINAL CASE NO. 4:17-CR-131-DMB-JMV

SCOTT E. NELSON

**MOTION TO UNSEAL SENTENCING TRANSCRIPT**

COMES NOW the United States of America, by and through the undersigned counsel, and submits this Motion to Unseal the sealed portion of the transcript of the sentencing hearing of Annette Lofton. For the reasons set forth below, the United States submits that the defendant is entitled to the sealed portion of the transcript in preparation for the trial in the above-captioned cause.

“The decision as to access” of records “is one left to the sound discretion of the trial court.” *United States v. Sealed Search Warrants*, 868 F.3d 385, 396 (5th Cir. 2017) (citing *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598-600 (1978)). Annette Lofton is a co-defendant of Scott Nelson in this case. Lofton pled guilty to Count One of the Indictment and was sentenced by this Court on July 22, 2020. According to standard procedure in this District, the Court sealed a portion of the hearing related to Lofton’s cooperation with the government. The government expects to call Lofton as a witness in the trial of her co-defendant Scott Nelson, currently set to begin on Monday, January 24, 2022. Since the substance of Lofton’s statements at her sentencing hearing are related to her expected testimony at trial, the government believes that the defendant, Scott Nelson, is entitled to the sealed portion of the hearing transcript. Accordingly,

the government request that the Court unseal the Lofton sentencing transcript for the limited purpose of providing a copy of the transcript to the defendant, Scott Nelson.

Respectfully submitted this 27th day of December, 2021.

UNITED STATES OF AMERICA, by

CLAY JOYNER  
UNITED STATES ATTORNEY

/s/Clayton A. Dabbs

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CLAYTON A. DABBS  
Assistant United States Attorney  
Mississippi Bar No. 101537  
900 Jefferson Avenue  
Oxford, MS 38655  
[clay.dabbs@usdoj.gov](mailto:clay.dabbs@usdoj.gov)  
662.234.3351